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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,164	11/08/2005	Peter Martin Smit	130098-1000	9289
37058	7590	01/27/2009		
TIM HEADLEY GARDERE WYNNE SEWELL LLP 1000 LOUISIANA, SUITE 3400 HOUSTON, TX 77002			EXAMINER PRICE, CRAIG JAMES	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,164

Applicant(s)

SMIT, PETER MARTIN

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2008 has been entered.

STATUS

Claims 1, 3-17 are pending.

Claim Objections

Claims 10 and 11 are objected to because of the following informalities: Claim 10, line 1, "claim 2" should be -- claim 1 --. Claim 11, line 3, "extends" should be -- extends --. Appropriate correction is required. Claim 15, line 10, "wihtin" should be -- within --, and line 14, "thorough" should be -- through --.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15, line 7, recites the limitation "a fluid valve

sensor assembly" which is unclear in that there appears to be no support for a second valve sensor assembly within the disclosure, it would appear that this limitation should be - - the fluid valve sensor assembly - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-9 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cronkhite (2,582,105).

Cronkhite disclose a valve assembly (as shown in Figures 1 and 2) able to be mounted with a liquid container, the valve assembly comprising, a housing (7,31) having a passageway (32) that extends through the housing, and having openings (24 and the opening within 30) for liquid in the container to pass in and out of the passageway, a liquid inlet (at 19,20) forming part of the housing, the liquid inlet allowing fluid to pass into the housing, an inlet float valve (33) mounted within the housing, the inlet float valve movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet, and a breather float valve (46) mounted within the housing, the breather float valve movable with liquid level in the housing between an open position to allow gas to pass through the passageway and out of the housing, and a closed position (as shown in Figure 2)

that prevents liquid from passing through the passageway and out of the housing, the valve assembly characterized in that it includes a relief valve (50) that is movable between an open position and a closed position to allow pressure to be relieved from the container.

Regarding claim 3, Cronkhite discloses that the housing is cylindrical, as shown in the figures and in col.2, Ins. 40-45.

Regarding claim 4, Cronkhite discloses that the inlet float valve includes a float (33) and a stem (see Figure 2, the short cylindrical section below 34).

Regarding claim 5, Cronkhite discloses that a valve seal (34) is located adjacent the end of the stem.

Regarding claim 6, Cronkhite discloses that a fuel chamber (the area within 7) is located adjacent the liquid inlet in which fuel is passed.

Regarding claim 7, Cronkhite discloses that a shelter (5) is provided within the fuel chamber in which an end of the stem is located when the float valve assembly is in the open position (not depicted in the figures, but as the float 33 comes off the seat, the end of the "stem" is within the area of 7).

Regarding claim 8, Cronkhite discloses that the breather float valve includes a rod (56) and breather float (47).

Regarding claim 9, Cronkhite discloses that a spring (62) engages the breather float valve.

Regarding claim 11, Cronkhite discloses an assembly (as shown in Figures 1 and 2) able to be mounted with a liquid container, the assembly comprising, a housing

(7,31) having a passageway (32) that extends through the housing, a liquid inlet (19,20) forming part of the housing, the liquid inlet allowing fluid to pass into the housing, an inlet float valve (33) mounted within the housing, the inlet float valve movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet, and wherein the assembly is adapted to receive a breather float valve (46,47), the breather float valve movable between an open position to allow gas to pass through the passageway and a closed position that prevents liquid from passing through the passageway.

Regarding claim 12, Cronkhite discloses a valve assembly (as shown in Figures 1 and 2) able to be mounted with a liquid container, the valve assembly comprising a housing (7,31) that is hollow and substantially cylindrical in shape (col.2, Ins. 40-45) the housing having at least two openings (24 and within 30) that allow fluid located within the container to pass in and out of the housing, a liquid inlet (19,20) located at the lower end of the housing, the liquid inlet allowing fluid to pass into the housing, an aperture (63) that is in fluid communication with the liquid inlet through a bleed conduit (70), an inlet float valve assembly that includes a float (33), a stem (see Figure 2, the short cylindrical section below 34) and a valve seal (34) that is located adjacent the end of the stem, and the inlet float valve assembly is mounted within the housing, the inlet float valve assembly movable between an open position that permits the flow of fluid through the liquid inlet and a closed position that prevents the flow of fluid through the liquid inlet, and a chamber (within 7) that is located adjacent the liquid inlet in which fluid is passed and a shelter (5) is provided within the chamber in which an end of the

stem is located when the float valve assembly is in the open position.

Regarding claim 13, Cronkhite discloses that the valve assembly is adapted to receive a breather float valve (46,47), the breather float valve movable between an open position to allow gas to pass through a passageway and a closed position that prevents liquid from passing through the passageway.

Regarding claim 14, Cronkhite discloses that the valve assembly includes a relief valve (50) that is movable between an open position and a closed position to allow pressure to be relieved from the liquid container (Col. 3, Lns. 16-26).

Regarding claim 15, Cronkhite discloses a valve system (as shown in Figures 1 and 2) for controlling the flow of liquid into a tank, comprising, a control valve assembly (77,78) that is capable of being mounted to a liquid container, a conduit (23) that provides for fluid communication between the control valve and a fluid valve sensor assembly (within housing 31), a fluid valve sensor assembly that is capable of being mounted to a liquid container, the valve sensor assembly comprising, a housing (7,31) that is hollow and substantially cylindrical in shape (col.2, lns. 40-45) the housing having at least two openings (24 and within 30) that allow fluid located within the container to pass in and out of the housing, a liquid inlet (19,20) located at the lower end of the housing, the liquid inlet allowing fluid to pass into the housing, an aperture (63) that is in fluid communication with the liquid inlet through a bleed conduit (70), an inlet float valve assembly that includes a float (33), a stem (see Figure 2, the short cylindrical section below 34) and a valve seal (34) that is located adjacent the end of the stem, and the inlet float valve assembly is mounted within the housing, the inlet float valve assembly

movable between an open position that permits the flow of fluid through the liquid inlet and a closed position that prevents the flow of fluid through the liquid inlet, and a chamber (within 7) that is located adjacent the liquid inlet in which fluid is passed and a shelter (5) is provided within the chamber in which an end of the stem is located when the float valve assembly is in the open position.

Regarding claim 16, Cronkhite discloses that the fluid valve sensor assembly is adapted to receive a breather float valve (46,47), the breather float valve movable between an open position to allow gas to pass through a passageway and a closed position that prevents liquid from passing through the passageway.

Regarding claim 17, Cronkhite discloses that the fluid valve sensor assembly includes a relief valve (50) that is movable between an open position and a closed position to allow pressure to be relieved from the liquid container (Col. 3, Lns. 16-26).

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Kerlin (5,042,519).

Kerlin discloses an assembly able to be mounted with a liquid container, the assembly comprising, a housing (24,66,68,70) having a passageway that extends through the housing, a liquid inlet (64), forming part of the housing, the liquid inlet allowing fluid to pass into the housing, an inlet float valve (58) mounted within the housing, the inlet float valve movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet, and wherein the assembly is adapted to receive a breather float

valve (62), the breather float valve movable between an open position to allow gas to pass through the passageway and a closed position that prevents liquid from passing through the passageway, as shown in Figure 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronkhite ('105) in view of Benjey et al. (5,860,458).

Cronkhite is silent to having a relief valve that includes a relief plate, a spring and a cap.

Benjey et al. disclose a float assembly which teaches the use of a relief valve (56, as shown in Figure 2) that includes a relief plate (the three legged structure near lead line 56), a spring (57) and a cap (the rubber hatched member attached to the plate).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a relief valve as taught by Benjey et al. with the relief valve of Cronkhite as one would have expected the valve to perform as equally as well and in order to vent the chamber (Col. 5, Lns. 18-22).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP

20 January 2009

/John Rivell/

Primary Examiner, Art Unit 3753

/C. P./

Examiner, Art Unit 3753